

Memorandum of Understanding

LĀNA'I FOREST AND WATERSHED PARTNERSHIP

"Uwē ka lani, ola ka honua." The delicate balance between heaven, earth and man was a way of life for the people of Hawai'i. It is a deep and reverent belief in things spiritual that are manifest or made real like the occurrence of:

"Weeping rainfall from the heavens above, springs life and sustenance to the earth below." This philosophy is captured in poetic 'Ōlelo Makua: "Hahai no ka ua i ka ululā'au," an understanding that requires thought and care of forest trees because of the forests' ability to attract moisture and rain. "Mōhala i ka wai ka maka o ka pua," an expression that people thrive where living conditions are good, much like flowers of many faces and colors bloom where there is water. "Ola i ka wai a ka 'ōpua," a respect and recognition of the clouds laden with moisture and rain carries with it the promise and the gift of life.

We acknowledge the philosophy and practices of Na Po'e I Ka Wā Kahiko. Though "we are flowers of many faces and colors in Hawai'i today", we "Ho'ohui" -- join our hands -- to ensure that the waters of life continue to shower upon us tomorrow. Together, we will "Mālama" -- strive to care for - and "Ho'omau"-- continue to perpetuate the delicate relationship, responsibility and respect for the balance of heaven, earth, and man as our way of life.

This Memorandum of Understanding is made and entered into on the 11th day of October, 2001 by and between Castle & Cooke Resorts, LLC (formerly known as Lāna'i Company Inc), Hui Mālama Pono O Lāna'i, Maui County Board of Water Supply, State of Hawai'i Department of Land and Natural Resources Division of Forestry and Wildlife, US Fish and Wildlife Service, The Nature Conservancy, the United States Department of Agriculture Natural Resources Conservation Service, Moloka'i- Lāna'i Soil and Water Conservation District, Lāna'i Water Advisory Committee, State of Hawai'i Commission on Water Resource Management, and Maui County herein known as the "LĀNA'I FOREST AND WATERSHED PARTNERSHIP" (LFWP) and hereinafter called "PARTNERS."

WHEREAS the forests of the Lāna'ihale watershed are the primary water resource for the island, and along with the olopua/lama forest at Kānepu'u contain some of Lāna'i's best remaining natural biodiversity;

WHEREAS control of major threats to the forested lands and watershed, such as, feral ungulates, fire and invasive non-native plants, fall under the mandates and/or missions of all the PARTNERS;

WHEREAS active management is needed to maintain a healthy watershed in order to sustain the future quality and quantity of Lānaʻi's water supply;

WHEREAS active management of these forested lands and watershed would also benefit Lānaʻi's native flora and fauna;

WHEREAS the Hawaiian concept of the ahupuaʻa acknowledges that all parts of a watershed, from the mountains to the sea, are interconnected, and that activities carried out in one portion of a watershed can affect the rest of the watershed;

WHEREAS the PARTNERS wish to collectively save and protect the greatest amount of biodiversity possible and to this end have worked together to draft a strategy for biodiversity protection for the island of Lānaʻi;

WHEREAS implementation of forest management is necessary for consistency with the Water Use and Development Plan for Maui County and watershed protection is arguably the most important water issue for the island of Lānaʻi;

WHEREAS significant economic and staffing advantages will accrue to the PARTNERS if the management of these threats and protection of native biodiversity is coordinated;

NOW THEREFORE, the PARTNERS hereby agree in principle as follows:

1. To review and annually update Biodiversity Protection Strategy.
2. To work cooperatively to complete individual projects as identified by the Biodiversity Protection Strategy to the extent each PARTNER is able due to fiscal constraints and as authorized by law.
3. To consider jointly at such place and at such intervals as may be mutually agreed upon by PARTNERS, general programs and management of projects for the LFWP.
4. To develop jointly, where appropriate management plans for areas within the LĀNAʻI FOREST AND WATERSHED PARTNERSHIP, that will document resource values and identify priority management objectives and strategies with the areas included in the PARTNERSHIP.
5. To determine costs of forest and watershed management programs and projects agreed upon in #2 and to join in cooperative efforts to provide assistance in obtaining funding as appropriate for those projects to the extent each PARTNER is authorized by law.
6. To develop and implement specific agreements and working plans for individual projects considered by all or some of the PARTNERS as having mutual interests. Such agreements and working plans may be developed whenever appropriate.

7. To enter into specific agreements between all or some of the PARTNERS, as the occasion demands, for the use of specialized equipment, hiring and supervision of personnel, transfer of funds, purchasing of supplies, and other matters pertaining to the general purposes of management agreed upon by all or some of the PARTNERS. Expenditures under this Memorandum of Understanding will be determined by specific working agreements entered into under authority of this instrument.
8. To maintain periodic communication to keep all PARTNERS apprised of progress.
9. That any PARTNER may terminate his involvement in the MOU by providing 90 days written notice to the other PARTNERS.
10. That this Memorandum of Understanding is not to be construed as an instrument which commits any "PARTNER" to any specific expenditure of funds or to any exchange of funds for any purpose.
11. That additional PARTNERS may join the LFWP, at a later date, by amendment of this agreement, if such addition is deemed appropriate by the current PARTNERS.
12. That the use of the term "PARTNERSHIP" in this document is not intended to evidence formation of a legal partnership but rather to express a spirit of cooperation in attaining mutual goals among those identified as "PARTNERS." Hence there shall be no sharing of profits or losses, assets or liabilities. Those identified as "PARTNERS" shall not have the liability of partners, nor the power to bind others identified as partners. Rather each "PARTNER" organization agrees that it shall be responsible for any contract it makes or any injury it causes or any injury or damage suffered by it or by its own personnel or equipment.
13. That this Agreement does not modify any agency's existing authorities by reducing, expanding, or transferring any of the statutory or regulatory authorities and responsibilities of any of the signatory agencies.

IN WITNESS WHEREOF, the PARTNERS hereto have executed this Memorandum of Understanding as of the first date above written:

Castle & Cooke Resorts, LLC

By:  VP

Date: 10-11-01

Hui Mālama Pono O Lānaʻi

By: Leaqualine Alii

Date: 10/11/01

Maui County Board of Water Supply

By: Paul H.

Date: 10/11/01

U.S. Fish & Wildlife Service

By: Craig Powell

Date: 10/11/01

**State of Hawaiʻi Department of Land and Natural Resources
Division of Forestry and Wildlife**

By: Steve J. J.K.

Date: 10/11/01

The Nature Conservancy of Hawaiʻi

By: Sam O. Lee

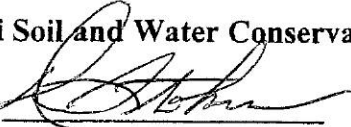
Date: 10/11/01

**United States Department of Agriculture
Natural Resources Conservation Service**

By: William Upm

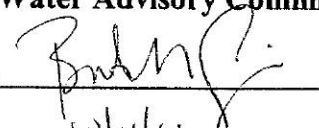
Date: 10/11/01

Moloka'i - Lāna'i Soil and Water Conservation District

By: 

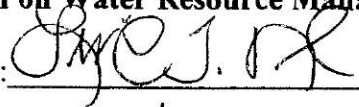
Date: 10/11/01

Lāna'i Water Advisory Committee

By: 

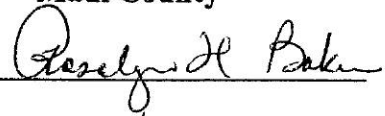
Date: 10/11/01

**State of Hawai'i Department of Land and Natural Resources
Commission on Water Resource Management**

By: 

Date: 10/11/01

Maui County

By: 

Date: 10/11/01

Attachment 1: Partners Description and Roles

Castle & Cooke Resorts, LLC (Company): In 1999, the Lānaʻi Company established The Lānaʻi Conservation Department and staffed it with a Conservation Manager. The Lānaʻi Conservation Department is dedicated toward working together with our present/future community, and other entities, in education, development, and implementation of strategies to manage, protect, and enhance all of Lānaʻi's natural resources, while striving to maintain a long range balance between the uniqueness of the island of Lānaʻi, along with economic stability. Currently the department has three full-time staff and is actively seeking funding for the implementation of fencing projects on Lānaʻihale.

Hui Mālama Pono O Lānaʻi (Hui): The Hui is an IRS 501© (3) non-profit community organization that was organized in 1984 to meet the challenges of change and to recognize its members' responsibility as keepers of the natural resources and cultural heritage of the island of Lānaʻi. The Hui began as a grassroots volunteer group whose interest was to secure and maintain fenced enclosures for rare and endangered plants at a place known as Kānepuʻu. Its mission statement is to *"Replenish and perpetuate the island of Lānaʻi."* The Hui is the only Lānaʻi based organization with the sole purpose of conservation. To fulfill its mission it is working with TNC to strengthen its organizational capacity and leadership role with the eventual goal of assuming management responsibility for Kānepuʻu in the year 2003. The Hui's role in the LFWP is to encourage community participation in and support for the partnership's conservation projects. The Hui will accomplish this through a variety of education and community outreach projects.

Maui Board of Water Supply (Board): The Board is responsible for the control, management and operation of the county's water systems and water sources. The Board is required to implement with the county general and community plans in carrying out its responsibilities. The mission of the Board is to "provide clean water efficiently." Recognizing that resources protection is inherent in both preserving water quality, and efficient use of resources, the Board's commitments to water resources protection and management have increased steadily over the past decade. Public-private partnerships such as the East and West Maui Mountains Watershed Partnerships and the East Molokaʻi Watershed Partnership have already proven to be useful for several reasons. The combined efforts of many, bring more energy, expertise, and focus to the protection of the watershed. United decision making and work management helps to improve planning and implementation, make projects run more smoothly, and to leverage funds for resource protection. The higher profile attached to partnerships increases the public's interest level and assists in generating public awareness and, thereby, in educating the general public as to their role in water protection. For these reasons, the Board is committed to on-going participation in partnerships, and in the Lānaʻi Forest and Watershed Partnership specifically. The Board is prepared to dedicate as needed, staff assistance, public outreach efforts and assistance with obtaining funding as appropriate.

United States Fish and Wildlife Services (USFWS): The U.S. Fish and Wildlife Service's mission is, working with others, to conserve, protect and enhance fish, wildlife,

and plants and their habitats for the continuing benefit of the American people. This statement acknowledges that working cooperatively with partner organizations, private landowners, and local communities is the best way to approach long-term conservation of our native ecosystems. The USFWS has a number of programs designed to provide technical assistance, coordination and funding for conservation projects. It is anticipated that the USFWS will contribute to the LFWP in all of these ways.

DLNR Division of Forestry and Wildlife (DOFAW): The Division of Forestry and Wildlife under the Department of Land and Natural Resources (DLNR) is responsible for the management and protection of all State-owned Forest Reserve lands, Natural Area Reserves, Bird and Plant Sanctuaries, and public hunting areas. The division has a number of programs in cooperative forest and wildlife management with private and public agencies and individuals that provide technical assistance and cost-sharing. The role of DOFAW in this partnership will be to provide technical and cost-share funding assistance to Lānaʻi Co. through the Forest Stewardship Program and to further the watershed protection and native forest restoration efforts of this partnership.

The Nature Conservancy (TNC): The Nature Conservancy is an international non-profit organization, whose mission is to preserve plants, animals and natural communities that represent the diversity of life on earth by protecting the lands and waters they need to survive. TNC has a chapter in Hawaiʻi, dba The Nature Conservancy of Hawaiʻi (TNCH). TNCH maintains a field office on the island of Lānaʻi with a fulltime two person staff. Over a decade ago, Hui Mālama Pono O Lānaʻi came to TNCH asking for help in developing more encompassing fencing efforts at Kānepuʻu. TNCH worked with the State, the Hui and the landowner (Dole Food Company now a division of Castle and Cooke dba Lānaʻi Company) to secure a perpetual conservation easement over 590 acres of the largest remaining patches of olopua/lama dryland forest. In 1991 the Conservancy completed fencing Kānepuʻu and was successful in enrolling the preserve in the state's Natural Area Partnership Program, an innovative cost sharing program designed to protect private lands of natural area value. TNC's ongoing management efforts at Kānepuʻu have centered on restoration and alien species control. TNCH also conducts island wide community outreach and volunteer programs out of the Lānaʻi office. TNCH's role in the LFWP is to assist with the formation of the partnership, develop community support and involvement, and to assist with obtaining funding as appropriate.

USDA Natural Resource Conservation Services (NRCS): NRCS, an agency of the U.S. Department of Agriculture works hand-in-hand with people and organizations, conservation districts, and other agencies to conserve natural resources primarily on private lands. The mission of NRCS is to provide leadership in a partnership effort to help people conserve, improve, and sustain our natural resources and environment. NRCS has a number of cost-share programs designed to provide technical assistance, coordination and funding for conservation projects. NRCS can contribute to the Lānaʻi Forest and Watershed Partnership in any of these ways.

Molokaʻi - Lānaʻi Soil and Water Conservation District (MLSWCD): On August 19, 1948, a charter was issued recognizing the Molokaʻi Conservation District, and the

Secretary of the Territory of Hawai'i issued a Certificate of Organization. The Moloka'i Conservation District was the third Conservation District to be formed. In 1962, after a Certificate of Inclusion was issued to add the entire island of Lāna'i the name was changed to the Moloka'i - Lāna'i Soil and Water Conservation District. Today there are 16 Conservation Districts statewide. The function of the MLSWCD is to take available technical, financial and educational resources, whatever their source, and focus or coordinate them so they meet the needs of the local land users relating to the conservation of soil, water and other natural resources. The District is currently a partner in the East Moloka'i Watershed Partnership and is involved in several Moloka'i based projects. The District continues to promote an awareness of our enforcement by working with community members and cooperative partners.

Lāna'i Water Advisory Committee: The Lāna'i Water Advisory Committee was established by the Board of Water Supply for the purpose of drafting, updating and monitoring implementation of the Water Use and Development Plan. The Water Advisory Committee provides a forum for community members to participate and be heard on water issues for Lāna'i. This committee participated in bringing the need for watershed management to the fore, monitors implementation of ongoing watershed management efforts, and provides a venue for community discussion of watershed issues.

State of Hawaii Commission on Water Resource Management (CWRM, "Water Commission"): The Water Commission administers the trust of State water resources for the benefit of its citizens, which involves collecting data, conducting studies, planning, permitting ground-water withdrawals and stream diversions, designating water management areas and then permitting end uses where there is intense competition for water or endangerment of resources, and engaging other agencies and private entities in cooperative efforts to do the same. The Water Commission's role in this partnership is to assure the long-term viability of Lāna'i's water resources by encouraging and assisting watershed planning and project implementation, monitoring, and enforcement of regulations.

Maui County: Maui County is a political subdivision of the State of Hawai'i, encompassing the islands and surrounding waters and islets of Maui, Moloka'i, Lāna'i, and Kaho'olawe, except Kalaupapa Settlement on Moloka'i. Under the State constitution, the State and its political subdivisions have responsibility to conserve and protect Hawai'i's natural beauty and all natural resources, including land, water, air, mineral, and energy sources and to promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self sufficiency of the State. As a political subdivision of the State, then, the County has responsibility to monitor and protect its resources in a manner consistent with State policy. In recent years, the County has increased its commitments to resource protection in general, and to watershed protection specifically. The County has provided funding for watershed protection and *Miconia* removal in Maui County over and above that contribution made by its semi-autonomous water board. The County will support the Lāna'i Forest and Watershed Partnership with funding or assistance from County personnel as appropriate.